

## **MINUTES**

### ***IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY***

**SEPTEMBER 23, 2009**

**Council Chambers  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932**

***REGULAR MEETING – 6:00 P.M.***

#### **REGULAR MEETING CALL TO ORDER**

MAYOR JANNEY called the Regular Meeting to order at 6:00 p.m.

#### **ROLL CALL**

Councilmembers present:	McCoy, King, Rose
Mayor present:	Janney
Mayor Pro Tem present:	Bragg

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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#### **PLEDGE OF ALLEGIANCE**

MAYOR JANNEY led everyone in the Pledge of Allegiance.

#### **AGENDA CHANGES**

None.

#### **MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/ REPORTS ON ASSIGNMENTS AND COMMITTEES**

COUNCILMEMBER KING reported on a recent SANDAG meeting where there were reports on a multimodal transportation study between E Street and Main Street in Chula Vista and a third border crossing east of the existing border crossing that would accommodate commercial trucks.

COUNCILMEMBER ROSE announced she was recently sworn in to the SAFE Board and is honored to serve the south county.

MAYOR PRO TEM BRAGG reported she, along with Mayor Janney, attended the League of California Cities Conference in San Jose; she will bring forward a "Save Your City Campaign"; and she offered her condolences to Mayor Janney for the loss of his father-in-law.

MAYOR JANNEY reported he attended the League of California Cities Conference in San Jose and spoke about the conference; and he announced his recent return from Washington D.C. where he represented the San Diego Regional Chamber of Commerce.

### **COMMUNICATIONS FROM CITY STAFF**

None.

### **PUBLIC COMMENT**

RINA KELLEY expressed concern about traffic and speeding on Carnation Ave. and adjacent streets.

JOHN CARR questioned the property tax reappraisal process; spoke in opposition to placing a crosswalk between City Hall and Veterans Park and questioned if a crosswalk could be placed within 150 feet of another crosswalk or street end; he expressed concern about the markings for parking spaces being too long, too many red zones and not enough handicap parking along the beach; and questioned if a ticket could be written for a vehicle crossing the line if the spot is not metered; and raised questions regarding funds designated for the skate park.

ED KRAVITZ requested that he be allowed to install a splitter in order to play video of the City Council meetings on his website; he requested that the Consent Agenda be taken at the end of the agenda and a member of the Council read every entry on the Warrant Register; he expressed concern about the appointment process of Councilmember Rose and the appointment process that is taking place in the City of Chula Vista.

### **PRESENTATIONS (1.1)**

#### **1.1 EAGLE PROJECT AWARD. (0410-30)**

PUBLIC WORKS DIRECTOR LEVIEN introduced the item.

CHRIS MADAFFER, Eagle Scout, gave a PowerPoint presentation on the item.

MAYOR JANNEY presented plaques to Chris Madaffer and the following Eagle Scout candidates in recognition of their efforts on the City Hall xeriscape project:

- Austin Allen
- Eddie Moser
- Alex Niknejad
- Jessie Scott

PUBLIC WORKS DIRECTOR LEVIEN recognized Pat O'Connor, of Parterre, for creating the design of the project.

### **CONSENT CALENDAR (2.1 - 2.5)**

With regard to Item No. 2.4, two letters addressed to the California Coastal Commission (one from City of Coronado Mayor Casey Tanaka; the other from Metro Wastewater JPA/Metro Commission Chair Ernie Erwin) were submitted as Last Minute Agenda Information.

With regard to Item No. 2.2, MAYOR JANNEY explained the large expenses on the Warrant Register and the City's financial obligations.

ED KRAVITZ indicated opposition to Item No. 2.2 (was not available to speak).

**MOTION BY MCCOY, SECOND BY ROSE, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.5. MOTION CARRIED UNANIMOUSLY.**

**2.1 MINUTES.**

Approved the minutes of the regular City Council Meeting of August 5, 2009.

**2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)**

Ratified the following registers: Accounts Payable Numbers 69420 through 69553 with the subtotal amount of \$1,736,282.65; and Payroll Checks 41589 through 41683 for the pay period ending 08/27/09 with the subtotal amount of \$222,017.04; for a total amount of \$1,958,299.69.

**2.3 RESOLUTION NO. 2009-6805 – AUTHORIZING STAFF TO RECEIVE SUMMARY BACKGROUND REPORTS. (0390-05)**

Adopted resolution.

**2.4 LETTER IN SUPPORT OF THE REISSUANCE OF SECONDARY TREATMENT WAIVER FOR POINT LOMA WASTEWATER TREATMENT PLANT. (0620-75)**

Authorized the Mayor to sign and send the yet to be written JPA letter supporting the waiver and the letter attached to the staff report or a similar one when and if the Metro Commission/Metro Wastewater JPA requests letters of support.

**2.5 RESOLUTION NO. 2009-6806 – AUTHORIZING SALE OF CERTAIN SURPLUS CITY EQUIPMENT. (0380-45)**

Adopted resolution.

**ORDINANCES – PUBLIC HEARING/INTRODUCTION/FIRST READING (3.1)**

**3.1 ORDINANCE NO. 2009-1091 – AN INTERIM ORDINANCE EXTENDING AN URGENCY MEASURE PROHIBITING COOPERATIVE, COLLECTIVE, OR OTHER FORMS OF MARIJUANA DISPENSARIES DURING A SPECIAL STUDY PERIOD DURING A 45-DAY SPECIAL STUDY PERIOD FOR AN ADDITIONAL 10 MONTHS AND 15 DAYS. (0610-95)**

MAYOR JANNEY declared the public hearing open.

CITY ATTORNEY LOUGH gave a report on the item; and announced materials from Brad Bernhard were submitted as Last Minute Agenda Information.

COUNCILMEMBER MCCOY gave City Manager Brown a copy of an article that recently appeared in Harper's Magazine regarding this issue.

JERRY MASON submitted a recent article from Fortune Magazine entitled, "How Marijuana Became Legal"; and he spoke in support of medical marijuana dispensaries.

DANIEL GREEN spoke in support of medical marijuana dispensaries.

DUSTIN VOGEL spoke in support of medical marijuana dispensaries.

RON MOODY spoke in opposition to medical marijuana dispensaries and expressed concern about the medical marijuana dispensary advertisements that appeared in the San Diego Reader.

RINA KELLEY spoke about making laws more strict in the need of safety or welfare, and the need to do everything possible for the City to keep its good reputation.

BRAD BERNHARD, of the C.A.R.E. Collective, suggested the formation of a peer review committee and spoke in support of medical marijuana dispensaries (additional speaking time donated by Cephas Mason).

Discussion ensued regarding the oversight required on this type of business; the need to respect the State's law governing medical marijuana dispensaries; and staff taking time to prepare a well-written ordinance that strikes a balance between accommodating those who need help and coordinating with law enforcement.

MAYOR JANNEY closed the public hearing, and called for the reading of the title of interim Ordinance No. 2009-1091.

CITY CLERK HALD read the title of interim Ordinance No. 2009-1091, "AN INTERIM ORDINANCE EXTENDING AN URGENCY MEASURE PROHIBITING COOPERATIVE, COLLECTIVE, OR OTHER FORMS OF MARIJUANA DISPENSARIES DURING A SPECIAL STUDY PERIOD DURING A 45-DAY SPECIAL STUDY PERIOD FOR AN ADDITIONAL 10 MONTHS AND 15 DAYS."

**MOTION BY KING, SECOND BY MCCOY, TO DISPENSE INTRODUCTION, WAIVE FURTHER READING OF ORDINANCE NO. 2009-1091, AND ADOPT, BY AT LEAST A FOUR-FIFTHS VOTE, ORDINANCE NO. 2009-1091 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.**

#### **ORDINANCES – SECOND READING & ADOPTION (4)**

None.

#### **PUBLIC HEARINGS (5)**

None.

#### **REPORTS (6.1 - 6.3)**

##### **6.1 RESOLUTION NOS. 2009-6807 AND R-09-194 – APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM. (0390-88)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

**MOTION BY MCCOY, SECOND BY ROSE, TO ADOPT RESOLUTION NOS. 2009-6807 AND R-09-194 – APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM. MOTION CARRIED UNANIMOUSLY.**

**6.2 COMMERCIAL ZONING REVIEW. (0610-95)**

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item.

Council discussion ensued regarding the recommendations; community outreach; presenting the information to and obtaining feedback from the public and Council; whether to have more community workshops and Council meetings.

MICHAEL CAREY, representing IB Concerned Citizens, expressed disappointment that this meeting was not communicated to the community; he spoke in support of community involvement; suggested an ad hoc committee be formed to discuss matters on an ongoing basis (additional speaking time donated by Ruth Cole).

BRIAN JONES stated that the public is concerned about height and density; he expressed concern that the current document is unworkable.

WIN HEISKALA concurred with previously made comments (did not speak).

Discussion ensued regarding holding a meeting on the substantive issues and process; City Manager Brown will coordinate with Council to schedule a date.

RON MOODY spoke of the need to heed the consultants' recommendations.

TERESA IRISH agreed with Mr. Jones; and requested more public notification of meetings.

CITY MANAGER BROWN spoke to the community outreach by saying that staff sends notices to individuals who have requested to be placed on the email notification list; also Mr. Carey has a distribution list; display ads have been published in the IB Eagle newspaper; and public announcements have been made on the City's information channel and website.

Additional discussion ensued regarding holding a meeting to identify recommendations for further discussion and review.

Staff to coordinate with Council to determine a date for a special meeting.

**6.3 A REPORT RECOMMENDING THE ESTABLISHMENT OF A NEW ANIMAL CONTROL SERVICE. (0200-05)**

CITY MANAGER BROWN introduced the item.

PUBLIC SAFETY DIRECTOR SOTELO gave a report on the item; he explained that due to the increase in the City of Chula Vista rates, he is proposing a new City Animal Control Officer and utilizing the City of Chula Vista for its kennel and intake services. This would result in lower

intake costs, the ability to enforce our local regulations, and promote programs such as spay and neuter.

TIM O'NEAL spoke in support of the item and offered his assistance.

Consensus of City Council to create a new position for an Animal Control Officer to authorize staff to work with the City of Chula Vista in negotiating an agreement for kennel services and emergency afterhours call-out.

**ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)**

None.

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 8:47 p.m.

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James C. Janney, Mayor

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Jacqueline M. Hald, CMC  
City Clerk